

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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ELISEE EUGENE,

Petitioner,

v.

Case No. 22-C-1433

STATE OF WISCONSIN,

Respondent.

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**ORDER ADOPTING REPORT AND RECOMMENDATION  
AND DISMISSING PETITION**

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On December 1, 2022, Petitioner Elisee Eugene filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, asserting that he is held in violation of the Constitution, laws, or treaties of the United States on the basis of his extradition from Florida, the duration of his custody, and the amount of his bond. On August 21, 2023, Magistrate Judge William E. Duffin screened the petition and filed a Report and Recommendation, in which he recommends that the petition and this action be dismissed without prejudice based on Petitioner's failure to exhaust his state court remedies.

On September 8, 2023, Petitioner filed a motion "reporting professional kidnapping and attempted sentencing without trial of a not guilty plea," arguing that he has been unlawfully detained at the Mendota Mental Health Institute. Petitioner then filed objections to the Report and Recommendation on September 25, 2023. For the following reasons, the court adopts Judge Duffin's Report and Recommendation in full.

As explained in Magistrate Judge Duffin's Report and Recommendation, although § 2241 does not explicitly require exhaustion of state court remedies, "the interests of comity have caused

courts to apply the doctrine of exhaustion of state remedies to [such petitions].” *Blanck v. Waukesha Cnty.*, 48 F. Supp. 2d 859, 860 (E.D. Wis. 1999) (citing *Neville v. Cavanagh*, 611 F.2d 673, 675 (7th Cir. 1979)). Here, Petitioner has not fully exhausted the claims he seeks to assert in his petition. Nothing in his petition or objections to the Report and Recommendation reveal any special circumstance warranting the extraordinary remedy of pretrial federal habeas relief. In short, Petitioner’s § 2241 petition will be dismissed without prejudice based on Petitioner’s failure to exhaust his state court remedies.

Petitioner has also filed a motion “reporting professional kidnapping and attempted sentencing without trial of a not guilty plea.” Although Petitioner seems to challenge his detention at the Mendota Mental Health Institute, he has not demonstrated any entitlement to relief from this court on this basis. To the extent his commitment to Mendota is part of the same state criminal proceeding that resulted in his extradition, the same reasons for dismissal apply. Accordingly, the court denies his motion.

For these reasons, the court adopts the Report and Recommendation of the Magistrate Judge and orders the petition **DISMISSED without prejudice** so that Petitioner may exhaust his state court remedies. Petitioner’s motion “reporting professional kidnapping and attempted sentencing without trial of a not guilty plea” (Dkt. No. 58) is **DENIED**. The Clerk is directed to enter judgment forthwith.

**SO ORDERED** at Green Bay, Wisconsin this 29th day of September, 2023.

s/ William C. Griesbach  
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William C. Griesbach  
United States District Judge